

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

9 ELAINE TIFFANY, and SHANNON
10 WHITEHEAD, individually, and on behalf of all
others similarly situated,

11 | Plaintiffs,

12 | vs.

13 HOMETOWN BUFFET, INC., and DOES 1 through 50, inclusive,

Defendants.

Case No: C 06-2524 SBA

ORDER VACATING OSC RE DISMISSAL

17 On January 22, 2008, the Court issued an order staying the instant action as a result of
18 Defendant having filed for bankruptcy. The Court's order directed the parties to submit status
19 reports regarding the bankruptcy every six months. Plaintiffs filed status reports on July 22, 2008,
20 January 22, 2009 and July 30, 2009. However, in violation of the Court's January 22, 2008 Order,
21 no status reports have been filed since the July 30, 2009 report.

22 On March 22, 2010, the Court issued an Order to Show Cause re Dismissal (“OSC”)
23 requiring both parties to demonstrate why the action should not be dismissed for failure to
24 prosecute under Federal Rule of Civil Procedure 41(b). Plaintiff and Defendant timely responded
25 to the OSC and have presented facts demonstrating that their failure to file the status reports was
26 inadvertent. In addition, both parties have indicated that they are amenable to administratively
27 closing the action, subject to reopening or dismissal, depending on the resolution of the bankruptcy
28 proceeding. Accordingly,

1 IT IS HEREBY ORDERED THAT the OSC issued on March 22, 2010, is VACATED.
2 The Clerk of the Court shall administratively close the file pending resolution of the bankruptcy
3 proceeding. Upon conclusion of the bankruptcy, the parties shall notify the Court in writing and
4 request that the matter be reopened or dismissed, if appropriate.

5 IT IS SO ORDERED.

6 Dated: May 25, 2010


7 SAUNDRA BROWN ARMSTRONG
United States District Judge

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